

105TH CONGRESS
2D SESSION

S. 2100

To amend the Higher Education Act of 1965 to increase public awareness concerning crime on college and university campuses.

IN THE SENATE OF THE UNITED STATES

MAY 20, 1998

Mr. SPECTER (for himself, Mr. MACK, and Mr. FAIRCLOTH) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Higher Education Act of 1965 to increase public awareness concerning crime on college and university campuses.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Campus Crime Disclo-
5 sure Act of 1998”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) According to the General Accounting Office,
9 63 institutions of higher education were in violation

1 of the amendments made by the Crime Awareness
 2 and Campus Security Act of 1990 since the enact-
 3 ment of such Act in 1990. The Department of Edu-
 4 cation has not taken punitive action against these
 5 institutions.

6 (2) The Department of Education’s interpreta-
 7 tion of the statutory definition of campus has en-
 8 abled institutions of higher education to underreport
 9 the instances of crimes committed against students.

10 (3) In order to improve public awareness of
 11 crimes committed on college and university cam-
 12 puses, it is essential that Congress act to clarify ex-
 13 isting law and to discourage underreporting of of-
 14 fenses covered by the amendments made by the
 15 Crime Awareness and Campus Security Act of 1990.

16 **SEC. 3. ADDITIONAL CRIME CATEGORIES.**

17 (a) IN GENERAL.—Section 485(f)(1) of the Higher
 18 Education Act of 1965 (20 U.S.C. 1092(f)(1)) is amend-
 19 ed—

20 (1) by amending subparagraph (F) to read as
 21 follows:

22 “(F) Statistics concerning the occurrence
 23 on campus, during the most recent calendar
 24 year, and during the 2 preceding calendar years
 25 for which data are available, of criminal of-

fenses reported to campus security authorities or local police agencies, and of referrals of persons for campus disciplinary action, for the following:

“(i) Murder.

“(ii) Sex offenses, forcible or nonforcible.

“(iii) Robbery.

“(iv) Aggravated assault.

“(v) Burglary.

“(vi) Motor vehicle theft.

“(vii) Manslaughter.

“(viii) Larceny.

“(ix) Arson.

“(x) Liquor law violations, drug-related violations, and weapons violations.”;

(2) by striking subparagraph (H); and

(3) by redesignating subparagraph (I) as subparagraph (H).

(b) CONFORMING AMENDMENTS.—Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (4), by striking “paragraphs (1)(F) and (1)(H)” and inserting “paragraph (1)(F)”; and

1 (2) in paragraph (6), by striking “paragraphs
2 (1)(F) and (1)(H)” and inserting “paragraph
3 (1)(F)”.

4 **SEC. 4. TIMELY MANNER.**

5 Section 485(f)(3) of the Higher Education Act of
6 1965 (20 U.S.C. 1092(f)(3)) is amended by adding at the
7 end the following: “Such reports shall be readily available
8 to students and employees through various mediums such
9 as resident advisors, electronic mail, school newspapers,
10 and announcement postings throughout the campus.”.

11 **SEC. 5. DEFINITION OF CAMPUS.**

12 Subparagraph (A) of section 485(f)(5) of the Higher
13 Education Act of 1965 (20 U.S.C. 1092(f)(5)) is amended
14 to read as follows: “(A) For purposes of this section the
15 term ‘campus’ means—

16 “(i) any building or property owned or con-
17 trolled by an institution of higher education
18 within the same reasonably contiguous geo-
19 graphic area of the institution, including a
20 building or property owned by the institution,
21 but controlled by another person, such as a food
22 or other retail vendor;

23 “(ii) any building or property owned or
24 controlled by a student organization recognized
25 by the institution;

1 “(iii) all public property that is within the
2 same reasonably contiguous geographic area of
3 the institution, such as a sidewalk, a street,
4 other thoroughfare, or parking facility, that
5 provides immediate access to facilities owned or
6 controlled by the institution;

7 “(iv) any building or property owned, con-
8 trolled, or used by an institution of higher edu-
9 cation in direct support of, or related to the in-
10 stitution’s educational purposes, that is used by
11 students, and that is not within the same rea-
12 sonably contiguous geographic area of the insti-
13 tution; and

14 “(v) all dormitories or other student resi-
15 dential facilities owned or controlled by the in-
16 stitution.”.

17 **SEC. 6. REPORTING REQUIREMENTS.**

18 Section 485(f) of the Higher Education Act of 1965
19 (20 U.S.C. 1092) is amended further by adding at the
20 end the following:

21 “(8)(A) The Secretary shall report to the ap-
22 propriate committees of Congress each institution of
23 higher education that the Secretary determines is
24 not in compliance with the reporting requirements of
25 this subsection.

1 “(B) The Secretary shall provide to an institu-
 2 tion of higher education that the Secretary deter-
 3 mines is having difficulty, or is not in compliance,
 4 with the reporting requirements of this subsection—

5 “(i) data and analysis regarding successful
 6 practices employed by institutions of higher
 7 education to reduce campus crime; and

8 “(ii) technical assistance.

9 “(9) For purposes of reporting the statistics de-
 10 scribed in paragraph (1)(F), an institution of higher
 11 education shall distinguish, by means of a separate
 12 category, any criminal offenses, and any referrals for
 13 campus disciplinary actions, that occur—

14 “(A) on publicly owned sidewalks, streets,
 15 or other thoroughfares, or in parking facilities,
 16 that provide immediate access to facilities
 17 owned by the institution and are within the
 18 same reasonably contiguous geographic area of
 19 the institution; and

20 “(B) in dormitories or other residential fa-
 21 cilities for students, or in other facilities affli-
 22 ated with the institution.”.

1 **SEC. 7. FINES.**

2 Section 485(f) of the Higher Education Act of 1965
3 (20 U.S.C. 1092(f)) is amended further by adding after
4 paragraph (9) (as added by section 6) the following:

5 “(10)(A) Upon determination, after reasonable
6 notice and opportunity for a hearing, that an institu-
7 tion of higher education—

8 “(i) has violated or failed to carry out any
9 provision of this subsection or any regulation
10 prescribed under this subsection; or

11 “(ii) has engaged in substantial misrepre-
12 sentation of the nature of the institution’s ac-
13 tivities under this subsection,

14 the Secretary shall impose a civil penalty upon the
15 institution of not to exceed \$25,000 for each viola-
16 tion, failure, or misrepresentation.

17 “(B) Any civil penalty may be compromised by
18 the Secretary. In determining the amount of such
19 penalty, or the amount agreed upon in compromise,
20 the appropriateness of the penalty to the size of the
21 institution of higher education subject to the deter-
22 mination, and the gravity of the violation, failure, or
23 misrepresentation shall be considered. The amount
24 of such penalty, when finally determined, or the
25 amount agreed upon in compromise, may be de-

- 1 ducted from any sums owing by the United States
- 2 to the institution charged.”.

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